

IN THE COURT OF DISTRICT DELEGATE BARRACKPORE
PRESENT: SAPTAPARNA BISWAS

Misc. Case No. - 440/2022 (P)
CIS – 174/202 (P)

Order no. - 9

Dated - 31/07/2024

Today is fixed for passing order as per this misc case u/s 276 of Indian succession Act 1925 filed by petitioner **Ujjal Debnath** S/O – Lt. Bankim Chandra Debnath for obtaining Probate of last Will left by the deceased **Maya Rani Debnath @ Maya Debnath** W/O – Lt. Bankim Chandra Debnath which is mentioned in the schedule of this misc case.

I have already heard the Learned Advocate for the petitioner. It is evident that this is the last Will of testator. Petitioner is the executor of the Will. One of the attesting witness namely **Nitai Das** has examined in open court as PW -2. He/She has identified the original will and also identified the signature of the testator on the Will.

Petitioner namely **Ujjal Debnath** has examined as PW-1. He/She has filed the original death certificates of the testator, petitioner made paper publication as per law. Death certificate of **Maya Rani Debnath @ Maya Debnath** is marked as **Exbt. - 1**. The Aadhar Card of petitioner, Sandhya Chakraborty are marked as **Exbt. - 2 (Series)**. The original Will filed is marked as Exhibited as - **X** for identification. Signature of the attesting witness namely **Nitai Das** is marked as **Exbt. - 3. Signature** of the testator/testatrix is marked as **Exbt. - 3/1**. The Will dated **30.12.2011** is marked as **Exbt. - 3/2**. The Aadhar card of **Nitai Das** is marked as **Exbt. - 4**. It appears that the testator was physically and mentally fit at the time of the execution of this Will.

Considering all I am inclined to allow the prayer of the petitioner. Misc Case is succeeds.

Hence it is,

ORDERED

that the instant Misc. Case be and the same is allowed exparte. Let the Probate certificate be issued in favour of **Ujjal Debnath** S/O – Lt. Bankim Chandra Debnath.

The Misc case is disposed of.

Note in the register.

Judge
District Delegate,
Barrackpore, North 24 Parganas